

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**ERIKA B. WASHINGTON**  
**7514 Gilley Terrace**  
**Baltimore Maryland 21237**  
**Plaintiff**

**vs.**

**ASSET ACCEPTANCE, LLC**  
**Serve: Corporation Trust, Inc.**  
**300 East Lombard Street**  
**Baltimore, Maryland, 21202**

**Defendant**

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\* **CASE No.**  
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\* **CIVIL COMPLAINT**  
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\* **JURY TRIAL DEMAND**  
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**COMPLAINT AND JURY DEMAND**

**COMES NOW** Erika B. Washington, the Plaintiff herein, by her undersigned counsel, David E. Bokeno, Esq., complaining of Defendant as follows:

**INTRODUCTION**

1. Plaintiff, Erika B. Washington (hereinafter "Plaintiff"), is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collections Practices Act, 15 U.S.C. 1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C 1692k(d) and 28 U.S.C. 1337.
3. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

### **PARTIES**

4. Plaintiff, Erika B. Washington, is an adult individual and citizen of the State of Maryland, residing at 7514 Gilley Terrace, Baltimore Maryland 21237.

5. Defendant, Asset Acceptance LLC, at all times relevant hereto, is engaged in the business of collecting debts within the State of Maryland. Defendant's principal place of business is 1209 Orange Street, Wilmington, Delaware 19801.

6. Defendant is engaged in a business whose principal purpose is the collection of debts from consumers using instrumentalities of interstate commerce and the mail. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. 1692a(6).

### **FACTUAL ALLEGATIONS**

7. On October 30, 2008 Defendant served Plaintiff with a complaint in the District Court of Maryland for Baltimore City in Case No. 0101 0033319 2008 seeking to collect an alleged defaulted credit card debt.

8. Defendant had no right to sue Plaintiff since the Statute of Limitations had expired for collection of the debt. See Statement of Defendant attached hereto as Exhibit A and made part hereof addressed to Plaintiff showing last payment date of March 21, 2005. Defendant did not file its lawsuit until September 30, 2008. See District Court of Maryland for Baltimore City Writ of Summons attached hereto as Exhibit B and made part hereof.

9. The statute of limitations on such actions in the State of Maryland is three (3) years.

10. On January 14, 2009 Defendant failed to appear for trial and the case was dismissed at Plaintiff's request.

11. Nevertheless Plaintiff had to incur the expenses of counsel and loss of time from work.

### **COUNT I**

### **FDCPA VIOLATIONS**

12. The above paragraphs are hereby incorporated herein by reference.

13. Defendant violated 15 U.S.C. 1692e(2)(A) in that Defendant falsely represented the character, amount, or legal status of a debt, and also violated 15 U.S.C. 1692f(1) in that Defendant unfairly attempted to collect an amount not permitted by law. Kimber v. Federal Financial Corp., 668 F. Supp. 1480 (M.D. Ala. 1987).

14. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

**WHEREFORE**, Plaintiff respectfully requests that this court enter judgment in her favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 USC 1692k;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 USC 1692k; and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

### **JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
David E. Bokeno  
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Attorney for Plaintiff  
Federal Bar ID 25492  
Date: 10/21/09